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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

PERSONNEL DEPARTMENT

Order

The 25th July, 2025

No. 40/82/2020-4S(1).— Whereas, disciplinary proceedings under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 were initiated against Shri Ashwani Kumar, Haryana Civil Service (Executive Branch), the then Managing Director, Cooperative Sugar Mills, Sonipat, *vide* Memorandum No. 40/82/2020-4S(1), dated 13.02.2023, for the charges as mentioned below:-

"1. That the performance of the work done by M/s Kay Bouvet Engineering Limited Company, Satara (Maharashtra) was not satisfactory so he i.e. Sh. Ashwani Kumar, Haryana Civil Service, the then Managing Director of Cooperative Sugar Mills Limited, Sonipat was directed by the Managing Director, Sugarfed not only telephonically but also in writing to stop the payment of the cheque issued to the company, but he i.e. Sh. Ashwani Kumar failed to comply with the said instruction order of the Managing Director, Sugarfed, and released the payment through Real Time Gross Settlement (RTGS) on dated 12.06.2020 in gross violation of the terms and conditions of the agreement. This act not only reflects misuse of official capacity but also reflects undue financial benefit/favour to a private supplier firm by him i.e. Sh. Ashwani Kumar.

2. That variation to the extent of 2.1% bagasse pol resulted in the loss of about Rupees 54.72 lakhs to the Mill thus, he i.e. Sh. Ashwani Kumar, the then Managing Director, Cooperative Sugar Mills Limited, Sonipat caused financial loss to the Cooperative Sugar Mills Limited, Sonipat.

3. That after the retirement of Chief Accounts Officer, Cooperative Sugar Mills Limited, Sonipat, Shri Anand Singh, Chief Accounts Officer, Meham Cooperative Sugar Mills was given additional charge of Chief Accounts Officer of Cooperative Sugar Mills Limited, Sonipat and he started performing his duties in that capacity with effect from 14.05.2020. But Shri B.S. Hooda, the then Chief Chemist was allowed to perform the work related to Bank transactions, passing of bills and payment to suppliers/ contractors, payment of Tax Deducted at Source/Goods and Services Tax and signing other financial documents even after taking over the charge of Chief Accounts Officer by Shri Anand Singh. Not only the above, the Managing Director, Sugarfed specifically directed him i.e. Shri Ashwani Kumar, the then Managing Director of Cooperative Sugar Mills Limited, Sonipat that in case any officer of Cooperative Sugar Mills, Sonipat has been assigned the additional charge of acting Chief Accounts Officer, the same should be withdrawn the then Managing Director of Cooperative

Sugar Mills Limited, Sonipat intentionally allowed the Real Time Gross Settlement (RTGS) to the tune of Rupees 49,96,794/- to M/s Kay Bouvet Engineering Limited through Shri B.S.Hooda, the then Chief Chemist who continued to perform the duties of Chief Accounts Officer. This act reflects insubordination to senior authorities, committed by him i.e. Shri Ashwani Kumar."

2. And whereas, Shri Ashwani Kumar submitted his reply to the said charge-sheet, inter alia, stating that he had served as Managing Director, Cooperative Sugar Mills, Sonipat from 03.09.2019 to 01.08.2020, During his tenure, he claimed to have resolved long-standing technical issues after the plant capacity was enhanced from 1600 TCD to 2200 TCD, improved operational parameters, and managed to operate the mill without outsourcing to private contractors, resulting in savings exceeding ₹80 lakh. He further stated that the pending erection and commissioning payment to M/s Kay Bouvet Engg. Ltd., Yamuna Nagar was made in April 2020 after verification by the Engineering and Accounts wings. Though oral instructions from the DC Office, Sonipat were received to withhold the payment, no written directions were communicated. Hence, in good faith and to avoid accrual of interest, the principal amount was paid upon the firm's consent to forgo interest.

3. And whereas, Shri Krishan Lal Manhas, IFS (Retd.) was appointed as the Inquiry Officer *vide* order No. 40/82/2020-4S(1), dated 20.03.2023, to conduct a departmental inquiry under Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016;

4. And whereas, the Inquiry Officer submitted his report *vide* Memo No. Inq./2023/2 dated 15.05.2023, wherein the following findings were recorded:

(i) Shri Ashwani Kumar proceeded with the payment of erection and commissioning charges to M/s Kay Bouvet Engg. Ltd. despite advice from the Managing Director, Sugarfed, conveyed through the DC-cum-Chairman of Sonipat Sugar Mills, to withhold the payment.

(ii) He failed to wait for any written clarification from the competent authority before effecting the payment.

(iii) He irregularly assigned the additional charge of Chief Accounts Officer to Sh. B.S. Hooda, the then Chief Chemist, despite knowing that the said officer lacked requisite knowledge in accounts-related work. This was done even though trained and experienced personnel in the Accounts Branch were available at the relevant time.

(iv) He continued with the said decision despite advice from superior authorities to the contrary.

5. And whereas, a copy of Inquiry Officer's report was sent to the Charged Officer *vide* letter dated 07.06.2023 to furnish his comments thereon. The Charged Officer submitted his comments *vide* letter dated 26.06.2023 denying the reasoning/findings of the Inquiry Officer. The delinquent has raised two preliminary objections- (i) Inquiry Officer has not been appointed as per provisions of Rule, 2016, hence the report submitted by Inquiry Officer is void-ab-initio; and (ii) The Inquiry Officer has not appraised and considered the defence adduced by him during the inquiry and violated the principle of natural justice as no proper effective opportunity was afforded to the delinquent to cross examine the prosecution witness, on this ground alone the whole inquiry proceedings are liable to be quashed.

On merit, in response to findings of the I.O. on Charge No. 1, he has submitted that at the time of his joining in Sonepat Cooperative Sugar Mill as MD on 03.09.2019, the Mill was facing acute technical problems. The payment of erection and commissioning was due since January, 2019 and the same was made to M/s Kay Bouvet Engineering Ltd., as per terms and condition of purchase order and to save interest as the said company was demanding interest but the management of the company was convinced to forego interest. Further, there was no order or communication in writing by the higher authorities to not to make the said payment.

With respect to Charge No. 2, he has submitted that the prosecution has not adduced any evidence in support of the charge, even the Inquiry Officer has proved the charges and given the benefit of doubt to the charged officer whereas the I.O. should have recorded that the charges were not proved. So far as the Charge No. 3 is concerned, he has submitted that after retirement of Sh. Anand Singh, the then Chief Accounts Officer, Sh. B.S. Hooda, Chief Chemist was assigned the addl. charge of CHIEF ACCOUNTS OFFICER only for the smooth functioning of the Mill, with the approval of DC-cum-Chairman Sugar Mill. On the written communication from DC on 02.07.2020 Sh. B.S. Hooda relinquished charge as CHIEF ACCOUNTS OFFICER. Thus, he has stated that he has not violated any provisions of the Haryana Civil Services (Conduct) Rules, 2016.

6. The charges levelled against the Charged Officer, reply submitted by him, comments of the Administrative Department, findings of the I.O. as well as the comments of the Charged Officers on the I.O.'s findings have been thoroughly examined and it has been observed that the preliminary objections raised by the Charged Officer are

false. The I.O. has been appointed strictly as per provisions of the Haryana Civil Services (Punishment & Appeal) Rules, 2016. Mere bald statement that appointment is against provisions of law, without giving any specific provision, the same cannot be considered as valid objection. Further, the objection of the Charged Officer that his valuable right has been prejudiced due to non-grant of effective opportunity to cross examine the prosecution witnesses, which is sufficient to vitiate the inquiry proceedings is wholly unjustified and far away from truth. A perusal of inquiry proceedings file reveals that the statement of prosecution witnesses was recorded by the I.O. on 10.04.2023 and the Charged Officer was given opportunity to cross examine these witnesses on 01.05.2023. The charged officer has asked as many as 6 questions and thereafter he himself closed his cross examination, duly signed by him as well as the I.O. Therefore, the preliminary objections raised by the Charged Officer are not tenable.

And while examining the charge-wise comments of the Charged Officer on the findings of the Inquiry officer's report on all the charges, it has been observed that:-

"1. The Charged Officer has admitted in his written statement before the I.O. that he has received telephonic message as well as letter dated 17.04.2020 from the DC-cum-Chairman for stopping the payment. The I.O. in his findings has specifically recorded that the Charged Officer was fully aware of the advice of the MD Sugarfed conveyed through DC-cum-Chairman, Sonepat Sugar Mills to stop the payment but the charged officer went ahead to make the payment. Therefore, the comments of the Charged Officers on the findings of the I.O. on Charge No. 1 are baseless.

2. The I.O. has recorded in his findings that the prosecution has not produced any evidence in respect of this charge, nor the Charged Officer has submitted any statement in regard to this charge as he has simply stated that "the said charge does not pertain to him being a technical matter. Therefore, no findings can be given in respect of charge No. 2 and the benefit of doubt goes in favour of the Charged Officer. Thus, the comments of the Charged Officer are not tenable.

3. A perusal of Inquiry Officer's report reveals that after the retirement of the CHIEF ACCOUNTS OFFICER of the Mills, the MD Sugarfed *vide* order dated 10.04.2020 assigned the additional charge of the post of CHIEF ACCOUNTS OFFICER to Sh. Anand Singh, CHIEF ACCOUNTS OFFICER Sugar Mills, Meham to dispose of accounts/financial business of the Mills and in response thereto Sh. Anand Singh joined the duties on 11.04.2020. However, the Charged Officer in the meanwhile *vide* order dated 03.04.2020 entrusted the charge of CHIEF ACCOUNTS OFFICER to Sh. B.S. Hooda, the then Chief Chemist of the Sugar Mills, Sonepat to perform the duties of CHIEF ACCOUNTS OFFICER. The said action of the Charged Officer was objected to by the higher authorities including MD Sugarfed but Sh. Hooda continued as such upto 03.07.2020, when the said additional charge of Sh. B.S. Hooda, the then Chief Chemist as Chief Accounts Officer of the Mills was withdrawn by the Charged Officer. During this period a payment of Rs. 49,96,794/- was released to M/s Kay Bouvet Engineering Ltd. despite being advised by DC-cum-Chairman not to make the payment. Hence, the comments of the Charged Officer on the findings of Inquiry Officer's report on Charge No. 3 are not tenable."

7. And whereas, based on the findings of the inquiry officer and after careful examination of the evidence, the competent authority prima-facie decided to impose a major penalty of "Compulsory Retirement upon Shri Ashwani Kumar, in terms of Rule 7 of the Haryana Civil Services (Punishment & Appeal) Rules, 2016,

8. And whereas, in compliance with the requirements of Article 320(3) of the Constitution of India, the matter was referred to the Haryana Public Service Commission for its advice. The Commission, *vide* its letter No. Dis. 36/2024/2837 dated 23.07.2025. concurred with the proposal of the State Government to impose the penalty of Compulsory Retirement upon Shri Ashwani Kumar, HCS (Executive Branch);

9. Now, therefore, after considering the Inquiry Report, the reply submitted by the charged officer, the advice of the Haryana Public Service Commission, and all other relevant facts and circumstances of the case, the Governor of Haryana is pleased to impose the penalty of "Compulsory Retirement upon Shri Ashwani Kumar, HCS (Executive Branch), with immediate effect.

10. This issues with the approval of the competent authority.

RAJESH SAINI,
Under Secretary to Government Haryana,
Personnel Department.

12012—C.S.—H.G.P., Pkl.